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### **BY CM/ECF**

March 3, 2021

The Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York

RE: *Azor-El, et al. v. City of New York, et al.*, 1:20-cv-03650-KPF (and related cases)  
Contact with Clients in Rikers Island

Dear Judge Failla:

This firm represents various Plaintiffs in this pending set of related and consolidated cases regarding conditions at Rikers Island. We write this letter to bring to the Court's attention our concern about recent changes in Rikers' practices for contacting clients who are incarcerated.

Until recently, Rikers permitted attorneys to email a request for a Skype/Microsoft Teams attorney-client meeting; so long as the request was submitted by 3pm on a given business day, Rikers would generally produce the clients for the meetings the next day.

Recently, Rikers adopted a new online form, which purportedly follows the same policies. Law offices are supposed to submit a request on the form at the following link: <https://www1.nyc.gov/site/doc/inmate-info/video-teleconferencing-scheduling-form.page>

In order to prepare and seek our clients' input for the discovery schedule and to communicate with our clients, our office submitted online requests this past Monday for meetings today (Wednesday). (Ex. 1.) We received no link for joining the meetings.

Yesterday and today, we followed up with Rikers staff to ensure we could meet with our clients. We received a response that Rikers has received many requests, and that if we did not get a link, then we have to reschedule. We have no reliable sense of when we might be able to speak with our clients. We have to use this Skype system because phone calls at Rikers are recorded, which is concerning from an attorney-client privilege standpoint. Plaintiffs renew their concern that the City is stating one set of policies to lawyers and courts, but then not actually following these policies.

In order to proceed with an expedited discovery schedule, meet the Court's expectations and attorney-client obligations, and to communicate with our clients, it is critically important that we

be able to speak with them upon reasonable notice. Our clients' timely input is necessary to move an expedited discovery schedule along – we will need to communicate with our clients regularly throughout this discovery period and in planning for it. We do not feel comfortable planning out a discovery schedule without the chance to confer with our clients because they are the people with on-the-ground information we need to ask about. We do not want Rikers' delays in arranging attorney-client communication to be a reason why discovery takes longer than it should.

We respectfully ask this Court to order the Department of Correction to designate a central person who can respond to requests to arrange attorney-client meetings in this case, and that if our firm submits a request for an attorney-client Skype meeting by 3pm, that the client(s) be made available for the meeting the next day. This is Rikers' stated policy on the form and website, and we respectfully ask that the City be directed to follow its own stated policies.

While we would not ordinarily seek the Court's intervention, this was an issue that has arisen in this case before, and we believe that a directive from the Court may assist in ensuring we can speak with our clients.

We thank the Court for considering this matter.

Respectfully submitted,

KEENAN & BHATIA, LLC

*By: /s/ Sonal Bhatia & E.E. Keenan*  
Attorneys for Plaintiffs

Cc: Counsel of Record (by ECF)